

REMARKS

Claims 1-16 are pending in this application. By this Amendment, claims 1 and 11 are amended to overcome a rejection under 35 U.S.C. §112, second paragraph.

No new matter is added by this Amendment. Support for the language added to claims 1 and 11 can be found throughout the specification, for example at page 6, lines 19-23.

I. Rejections Under 35 U.S.C. §102(b) or §102(e)

A. Lanciotti

Claims 1-16 were rejected under 35 U.S.C. §102(b) or (e) as allegedly being anticipated by Lanciotti et al., Targeting Adenoviral Vectors Using Heterofunctional Polyethylene Glycol FGF2 Conjugates, Molecular Therapy (July 1, 2003), pp. 99-107 ("Lanciotti"). This rejection is respectfully traversed.

The Patent Office alleges that Lanciotti teaches the chemical structure recited in claims 1-16 in its abstract and in the chemical structure disclosed on page 100. Applicants respectfully disagree with the Patent Office's allegation.

Applicants submit that Lanciotti does not teach or suggest a chemical structure having a methylene and an oxygen between the polyethylene glycol and the maleimide group as recited in claims 1 and 11. It is clear from the figure on page 100 of Lanciotti that there is no oxygen between the polyethylene glycol group and the carbon attached to the nitrogen of the maleimide group.

Moreover, Lanciotti does not teach or suggest that the chemical structures shown in Figure 1 on page 100 contain a crosslinked polymer particle as required in claims 1 and 11. Applicants submit that Lanciotti does not teach or suggest a crosslinked polymer particle. Instead, Lanciotti teaches a maleimide-containing tresyl group. The compound of Figure 1 on page 100 of Lanciotti includes a polyethylene glycol chain and a maleimide group, but the terminal thereof is a tresyl group. Figure 1 describes that the tresyl group is reactive toward

ϵ -amino groups on the capsid of adenovirus. In other words, the tresyl group of the compound shown in Figure 1 of Lanciotti reacts with the amino group on the capsid of adenovirus.

In contrast, the asterisk in the formula recited in claims 1 and 11 represents a crosslinked polymer particle, and relates to a polymer particle obtained by introducing polyethylene glycol between a maleimide group and the crosslinked polymer particle, and the polyethylene glycol chain is bonded to the crosslinked polymer particle. In addition, the formula recited in claims 1 and 11 does not include a tresyl group as taught by the compound in Figure 1 of Lanciotti.

Applicants thus submit that Lanciotti does not teach or suggest any crosslinked polymer particle.

As such, Applicants submit that Lanciotti does not teach or suggest the maleimide group-containing crosslinked polymer particle as recited in claim 1 or the method of producing a maleimide group-containing crosslinked polymer particle as recited in claim 11.

For the foregoing reasons, Applicants submit that Lanciotti does not teach or suggest all of the features recited in claims 1-16. Reconsideration and withdrawal of the rejection are thus respectfully requested.

B. Kyo

Claims 1-16 were rejected under 36 U.S.C. §102(b) or (e) as allegedly being anticipated by Kyo et al., Evaluation of MafG interaction with Maf recognition element arrays by surface plasmon resonance imaging technique, Genes to Cells (February 2004), pps. 153-164 ("Kyo"). This rejection is respectfully traversed.

Applicants submit that Kyo is not a proper prior art reference under 35 U.S.C. §102(b) or (e) because Kyo was published in February 2004, whereas the present application was filed in the U.S. on February 19, 2004 and claims priority from July 14, 2003. Submitted herewith

is a verified English translation of priority document JP 2003-196340, filed on July 14, 2003. The verified English translation provides support for all of the limitations recited in claims 1-16 of the present application.

For the foregoing reasons, Applicants submit that Kyo is not a proper prior art reference. Reconsideration and withdrawal of this rejection are thus respectfully requested.

II. Rejection Under 35 U.S.C. §112, second paragraph

Claims 1-16 were rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. In particular, the Patent Office alleges that the asterisk in claims 1 and 11 is undefined and accordingly unclear with regard to its intended meaning. Applicants respectfully disagree with the Patent Office's allegations.

The specification clearly explains that the maleimide group-containing crosslinked polymer particle has a high dispersibility in an aqueous solvent due to the hydrophilic polyethylene glycol chain between the maleimide group and the particle. See page 6, lines 19-23 of the specification. Clearly, the asterisk thus represents the crosslinked polymer particle bonded to the polyethylene glycol chain. Thus, claims 1 and 11 are amended to indicate that the asterisk represents the crosslinked polymer particle.

As such, Applicants submit that claims 1-16 are definite. Reconsideration and withdrawal of the rejection are thus respectfully requested.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-16 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

Leana Levin

James A. Oliff
Registration No. 27,075

Leana Levin
Registration No. 51,939

JAO:LL/rav

Attachment:

Verified English Translation of Priority Document

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OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

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